

REMARKS

Preliminarily, Applicant thanks the Examiner for the courtesies shown to its representative during the personal interview conducted on December 19, 2003. In accordance with the matters discussed during that interview, Applicant looks forward to receiving an initialed copy of the PTO 1149 Form for the Information Disclosure Statement filed October 28, 2002.

Additionally, as the Interview Summary Record indicates, it has been agreed to that the previously submitted arguments regarding patentability of the claimed subject matter because the cited prior art fails to teach or suggest "offering connection establishment..." were not fully addressed in the last Office Action. Specifically, Applicant maintains that Purnadi fails to disclose teach or suggest offering a connection that a terminal user can accept. Rather, Purnadi provides an automated QoS level degradation in stepwise manner, wherein the degradation is controlled by the network and no negotiation with the terminal or the terminal user is carried out. To the contrary, in the present invention, the network offers a connection set-up with a lower QoS level for the terminal or terminal user to accept, if the requested QoS level cannot be achieved. Thus, the user has the option to choose whether he wants to set up a connection with the offered, lower QoS level. Purnadi fails to disclose, teach or suggest any such negotiation with the terminal or terminal user. These arguments were not properly considered; therefore, the finality of the prior art rejections must be withdrawn.

Additionally, as entertained during the personal interview, Applicant now submits, by this Amendment, amendments to claims 1, 8, 15 and 16 that further define those claims' scope and further distinguish the Examiner's interpretation of Purnadi. As discussed during the personal interview, the use of alternative language in claim 1, i.e., "offering connection establishment with lower values of the quality of service parameters to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter or the resources of the system," has enabled a rejection of that claim (and corresponding claims 8, 15 and 16) because, in the Office's interpretation, it is the underlined part of the claim language that is met by Purnadi, not the other alternative. Therefore, Applicant has amended the claims to delete the alternative allegedly met by Purnadi and, therefore, fully distinguished the teachings of that reference. Accordingly, independent claims 1, 8, 15, 16

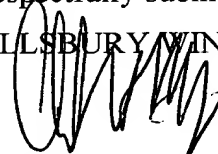
are patentable over the teachings of Purnadi, analyzed individually or in combination with other cited prior art. Therefore, the rejection of claims 1-16 under 35 U.S.C. §102(e) as being anticipated by Purnadi (U.S. 6,207,971) is traversed and claims 1-16 are allowable.

Applicant also maintains its assertion that Purnadi fails to disclose a set of maximum QoS parameter values because Purnadi merely teaches minimum QoS level parameters, which the network should attain and maintain.

All objections and rejections having been addressed, Applicants request issuance of a notice of allowance indicating the allowability of all pending claims. If anything further is necessary to place the application in condition for allowance, Applicants request that the Examiner contact Applicants' undersigned representative at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,  
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